

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CASE NO. 2:07cr118-MEF
)
TAVORIS LEKEITH PENNINGTON)

UNITED STATES OF AMERICA'S MOTION
FOR A FINAL ORDER OF FORFEITURE

The United States of America, by its undersigned counsel, respectfully submits its Motion for a Final Order of Forfeiture in the above-entitled case and states as follows:

That on October 9, 2007, this Court entered a Preliminary Order of Forfeiture ordering defendant Tavoris Lekeith Pennington to forfeit:

One Smith & Wesson, Model 10-5, .38 caliber
revolver, bearing serial number D909121.

That notice of this forfeiture and of the intent of the United States to dispose of the firearm in accordance with the law as specified in the Preliminary Order of Forfeiture, and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the firearm was published in the Montgomery Independent newspaper on January 17, 24 and 31, 2008; and,

That no petitions of interest were filed within that thirty-day period. Therefore, any third-party interests are barred by failure of those parties to file a timely petition.

Accordingly, the United States respectfully requests that this Court enter a Final Order of Forfeiture as proposed in the attached Order.

Defense counsel does not oppose entry of a Final Order of Forfeiture.

Respectfully submitted this 4th day of March, 2008.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/Tommie Brown Hardwick
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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Respectfully submitted,

/s/Tommie Brown Hardwick
TOMMIE BROWN HARDWICK
Assistant United States Attorney

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UNITED STATES OF AMERICA)
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 v.) CASE NO. 2:07cr118-MEF
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TAVORIS LEKEITH PENNINGTON)

FINAL ORDER OF FORFEITURE

WHEREAS, on October 9, 2007, this Court entered a Preliminary Order of Forfeiture, ordering defendant Tavoris Lekeith Pennington to forfeit the following firearm:

One Smith & Wesson, Model 10-5, .38 caliber
revolver, bearing serial number D909121.

The United States published notice of this forfeiture in the Montgomery Independent newspaper in accordance with the law and as specified in the Preliminary Order, and further notified all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the firearm;

No timely petition has been filed; and,

The Court finds that defendant Tavoris Lekeith Pennington had an interest in the firearm that is subject to forfeiture pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c). The United States has established the requisite nexus between such firearms in the commission of the violation of Title 18, United States Code, Section 924(c)(1)(A).

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The following firearm is hereby forfeited to the United States pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c):

One Smith & Wesson, Model 10-5, .38 caliber revolver, bearing serial number D909121.

2. All right, title and interest to the firearm described above is hereby condemned, forfeited and vested in the United States of America and shall be disposed of according to law;

3. The United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order; and,

4. The Clerk of the Court shall forward two certified copies of this Order to the United States Attorney's Office.

SO ORDERED this the ____ day of _____, 2008.

UNITED STATES DISTRICT JUDGE